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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

NEGRON, DANIEL L

ART UNIT PAPER NUMBER

2651

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/974,602

Applicant(s)

CHRISTIE, LESLIE G.

Examiner

Daniell L. Negrón

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17,19-27,30-33,35,36,38-40 and 42-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17,19-27,30-33,35,36,38-40 and 42-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. Applicant's arguments with respect to claims 1-17, 19-27, 30-33, 35, 36, 38-40, and 42-46 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-8, 10, 12-16, 19-27, 35, 36, 39, 40, and 42-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takayama U.S. Patent No. 6,674,596 in view of Kato et al U.S. Patent No. 6,611,394.

Regarding claim 1, Takayama discloses a write once read many magnetic tape system comprising a tape cartridge (1) comprising a length of magnetic tape (3) adapted to record and store electronic data and an electronic memory device (4 and 104).

Takayama further discloses a tape drive (Fig. 1) adapted to read and write the tape, the tape drive receives the tape cartridge and reads the memory device, wherein the drive is operable only in a write once read many mode in response to information read from the memory device (column 17, lines 41-51).

Takayama further discloses that the length of magnetic tape medium provides electronic data which is recorded at specific track pitch and format as shown on column 11, lines 23-30, the tape drive must be provided with this tape information (i.e. identification information) in order for proper reading/writing of the tape medium. Takayama however fails to show specifically a length of magnetic tape medium using a write density differing from standard type tape media.

However, it is disclosed by Kato et al that different tape formats may differ in write density as well as track pitch (column 28, lines 32-36). A tape drive that does not support or recognize a specific write density will not be capable of reproducing or modifying data recorded on a tape that has been recorded in said specific write density. Therefore it is considered well known in the art that data recorded on a tape may be recorded at different densities in order to record data in a different format.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a magnetic tape medium with differing write density since it is considered well known in the art and disclosed by Kato et al.

Regarding claim 3, Takayama discloses a system wherein the tape cartridge only functions in a tape drive capable of recognizing the information read from the memory device to place the drive in the write read many mode (column 2, lines 35-41).

Regarding claims 4 and 5, Takayama discloses a system wherein the information read from the memory device is a tape cartridge type (column 13, lines 4-8) and is contained on a manufacturer's information data page of the memory device (column 12, line 66 through column 13, line 26).

Regarding claims 6-8, Takayama discloses a magnetic tape cartridge wherein the memory device (4) is an electronically erasable programmable read only memory chip (i.e. EEPROM), (column 5, lines 43-54).

Regarding claims 10 and 12-16, claims 10 and 12-16 have limitations similar to those treated in the above rejections of claims 1 and 3-8, and are met by the references as discussed above.

Regarding claims 35, 36, 39, and 40, claims 35, 36, 39, and 40 have limitations similar to those treated in the above rejections of claims 1, 3, and 4, and are met by the references as discussed above. Claim 36 however also recites the following limitation.

A write once read many magnetic tape drive comprising means for initializing the drive in a standard read/write mode as disclosed by Takayama in column 17, lines 25-33.

Regarding claims 19-27, method claims 19-27 are drawn to the method of using the corresponding apparatus claimed in claims 1 and 3-8. Therefore method claims 19-27 correspond to apparatus claims 1 and 3-8 and are rejected for the same reasons of obviousness as used above.

Regarding claims 42-46, claims 42-46 have limitations similar to those treated in the above rejections of claims 1 and 3-8, and are met by the references as discussed above.

5. Claims 2, 11, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takayama U.S. Patent No. 6,674,596 in view of Kato et al U.S. Patent No. 6,611,394 and further in view of Morita U.S. Patent No. 5,612,827.

Regarding claim 2, Takayama in view of Kato et al disclose a write once read many magnetic tape system with all the limitations of claim 1 as discussed above but fail to show the drive ejecting the cartridge in response to the drive being unable to recognize the information from the memory device.

However, Morita discloses a tape drive wherein identification data is read from the cartridge in order to identify the type (i.e. grade) of the tape being inserted into the drive. In the event that the data read from the cartridge is not recognizable or invalid, the cartridge is ejected from the drive (Figs 3-5 and column 8, line 3 through column 9, line 11).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the magnetic tape cartridge as disclosed by Takayama in view of Kato et al with the ejection apparatus taught by Morita in order to obtain a magnetic tape system wherein the tape is ejected from the drive if an invalid tape is inserted or if the data tape inserted is not recognized by the drive in order to prevent damage to the magnetic tape or drive and avoid loss of data recorded on the tape.

Claims 11 and 38 have limitations similar to those treated in the above rejections of claim 2, and are met by the references as discussed above.

6. Claims 9, 17, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takayama U.S. Patent No. 6,674,596 in view of Kato et al U.S. Patent No. 6,611,394 and further in view of Amamiya Japanese Patent Application Publication No. 2000 295507.

Regarding claims 17, 32, and 33, Claim 17 has limitations similar to those treated in the above rejections, and are met by the references as discussed above. Claims 17, 32, and 33 however also recite the following limitations, which Takayama in view of Kato et al fail to show.

A tape destruction mechanism operable in response to opening the tape cartridge to render the tape unusable.

However, Amamiya discloses an electronic device, which contains a spring loaded mechanism that can destroy a magnetic tape (Fig. 4, element 28) in the event that the enclosure of the device is opened. The enclosure of the electronic device disclosed by Amamiya is secured by a snap fitted case (see Fig. 4, elements 18A B, and 47A F) and comprises a spring loaded mechanism (Fig. 10), which comes into contact with the magnetic tape if the case is disassembled (paragraph 51).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the magnetic tape system as disclosed by Takayama in view of Kato et al with the tape destruction mechanism as taught by Amamiya in order to prevent improper or illegal use of the magnetic tape if opening of the cartridge is attempted.

Regarding claim 9, claim 9 has limitations similar to those treated in the above rejection of claim 17 and are met by the references as discussed above.

7. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takayama U.S. Patent No. 6,674,596 in view of Kato et al U.S. Patent No. 6,611,394 as modified by Amamiya Japanese Patent Application Publication No. 2000 295507 as applied to claim 17 and further in view of Kita U.S. Patent No. 5,199,593.

Regarding claim 30, Takayama in view of Kato et al as modified by Amamiya disclose all the limitations of claim 17 as discussed above. The previously discussed modification fails to teach welded seams joining the casing of the cartridge.

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Kita however discloses a cartridge type storage device wherein the casing, which encloses the medium, is welded for the purpose of joining the separate parts together (column 4, line 59 through column 5, line 10).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the welded casing as taught by Kita to the cartridge disclosed by Takayama in view of Kato et al as modified by Amamiya in order to securely bond the cartridge casing.

8. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takayama U.S. Patent No. 6,674,596 in view of Kato et al U.S. Patent No. 6,611,394 as modified by Amamiya Japanese Patent Application Publication No. 2000-295507 as applied to claim 17 above, and further in view of Heigl U.S. Patent No. 4,746,796.

Regarding claim 31, Takayama in view of Kato et al as modified by Amamiya disclose all the limitations of claim 17 as discussed above. The previously discussed modification fails to teach glued seams joining the casing of the cartridge.

Heigl however discloses a cartridge type storage device wherein the casing, which encloses the medium, is glued for the purpose of joining the separate parts together (column 2, lines 61-63).


Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the glued casing as taught by Heigl to the cartridge disclosed by Takayama in view of Kato et al as modified by Amamiya in order to obtain a strong bond between the casing portions of the cartridge and to protect the medium from damage.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniell L. Negrón whose telephone number is 703-305-6985. The examiner can normally be reached on Monday-Friday (8:30-6:00) Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh N. Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DLN 
October 12, 2004


SINH TRAN
PRIMARY EXAMINER